

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BILLY JAMES MILES, #107844,
Plaintiff,

v.

CO SHEFFELD,
Defendant.

Case No. 09-10220
Hon. Anna Diggs Taylor
Magistrate Judge Midhael Hluchaniuk

ORDER ACCEPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Michael Hluchaniuk's Report and Recommendation of August 13, 2009, dismissing Plaintiff's Complaint without prejudice for failure to prosecute and mooted Defendant's motion to dismiss.

The Court has reviewed the file and the Magistrate Judge's Report and Recommendation. No objections have been filed. The Court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

Therefore, the Court will accept the Magistrate's Report and Recommendation of August 13, 2009 as the findings and conclusions of this Court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael Hluchaniuk's Report and Recommendation of August 13, 2009 is ACCEPTED and ADOPTED.

IT IS SO ORDERED.

DATED: October 28, 2009

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on October 28, 2009.

Billy Miles, #107844
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880

s/Johnetta M. Curry-Williams
Case Manager